

**REMARKS**

Reconsideration and allowance of the subject application are respectfully requested.

Claims 1, 3-7, 15, 17-32, 34, 36, 38, 40, and 42-43 are pending.

**Claim Rejections under 35 U.S.C. § 101**

Claims 1, 3-7, 15-17 and 32-34 stand rejected under 35 U.S.C. § 101 because the Office Action alleges the claims are directed to non-statutory subject matter. Applicants respectfully traverse this rejection.

Applicants respectfully submit that the Examiner has incorrectly characterized the recording medium as storing **nonfunctional** descriptive material. The Manual of Patent Examining Procedure (MPEP) provides guidance on the difference between “nonfunctional descriptive material” and “functional descriptive material”. In particular, MPEP § 2106.01 states the following.

In this context, “function descriptive material” consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of “data structure” is “a physical or logical relationship among data elements, designed to support specific data manipulation functions.” The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5<sup>th</sup> ed. 1993).) “Nonfunctional descriptive material” includes but is not limited music, literary works and a compilation or mere arrangement of data.

Accordingly, Applicants respectfully submit that a “recording medium storing an executable data structure for managing reproduction by a reproducing apparatus of at least video data having multiple reproduction paths recorded on the recording medium” as recited in independent claim 1 is a recording medium storing **functional** descriptive material.

MPEP §2106.01(I) further states, regarding **functional** descriptive material, that “a claimed computer-readable medium encoded with a data structure defines

structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory." Accordingly, because the recording medium recited in claim 1 includes a data structure with "one or more management files for managing reproduction of the video data by the reproducing apparatus," claim 1 defines structural and functional interrelationships between the data structure and the reproducing apparatus, and is clearly directed towards patentable, statutory subject matter.

Still further, because claim 1 recites "path change information for managing changing of reproduction paths by the reproducing apparatus," claim 1 defines structural and functional interrelationships between the data structure and the reproducing apparatus, and is clearly directed towards patentable, statutory subject matter.

In light of the above, Applicants respectfully request that the rejection of independent claim 1, and claims depending therefrom, under 35 U.S.C. § 101 be withdrawn.

**Art Rejections - 35 U.S.C. § 102/103**

Claims 1 and 18-21 stand rejected under 35 U.S.C. § 103(a) as being anticipated by Kikuchi et al. (US 5,870,523, hereinafter Kikuchi). Claims 3-7, 16, 17 and 22-42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kikuchi et al. Applicants respectfully traverse these of rejections.

Claim 1 has been amended to recite "one or more management ~~areas~~ files ~~for~~ for managing reproduction of the video data by the reproducing apparatus. ...the one or more management ~~area~~ files being separate from a data ~~area~~ file storing the video data." Kikuchi fails to disclose or suggest at least this limitation. The Examiner

construed the NV Pack, V Pack and A Pack shown in Fig. 6 as being different management areas. However, the NV Pack, V Pack and A Pack are in a single file. Therefore, the Kikuchi does not teach "the one or more management files being separate from a data file storing the video data," as recited in claim 1.

Claim 1 has also been amended to recite "the management file storing at least one entry point map associated with each reproduction path, each entry point map for identifying entry points in the video data for the associated reproduction path, the entry point map mapping a data packet address of each entry point to a presentation time stamp of the entry point." The Examiner appears to read the entry point map on the DSI and PCI of Kikuchi, but the DSI and PCI do not map "a data packet address of the entry point to a presentation time stamp of the entry point," as recited in claim 1. The DSI and PCI do not provide entry points.

As such, Kikuchi does disclose or suggest the entry point map of claim 1. Therefore, Kikuchi can not disclose or suggest the claimed entry point map including path change information. For example, claim 1 recites "the path change information includes a field for identifying whether changing reproduction paths is permitted in relation to the associated entry point and another field for identifying where changing reproducing paths is permitted in relation to the associated entry point." In Kikuchi, entry points as recited in claim 1 do not exist. Therefore, Kikuchi can not supply fields pertaining to path change "in relation to the associated entry point," as recited in claim 1. Still further, Kikuchi merely supplies angle cell numbers for an angle change operation should a user decide to select a new view angle. Kikuchi does not provide two separate fields, one "for identifying whether changing reproduction paths is permitted in relation to the associated entry point," and the other "for identifying where changing reproducing paths is permitted in relation to the associated entry point," as recited in claim 1.

For the reasons set forth above, Kikuchi does not anticipate or render claim 1 obvious to one skilled in the art.

Independent claims 28-21 include similar limitations to those discussed above with respect to claim 1, and are patentable at least for the reasons stated with respect to claim 1.

The remaining claims depend on one of the above discussed independent claims, and are patentable at least based on their dependency.

### **CONCLUSION**

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of the claims in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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